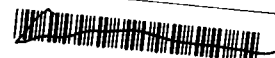


TTAB

JOSEPH A. WALKER, California State Bar No. 47223  
ALLAN H. GRANT, California State Bar No. 213658  
JASON MATTHEW LAMB, California State Bar No. 222191  
THE WALKER LAW FIRM,  
A Professional Corporation  
1301 Dove Street, Suite 450  
Newport Beach, CA 92660-2464  
Telephone: (949) 752-2522  
Facsimile: (949) 752-0439  
www.thewalkerlawfirm.com



08-07-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #22

Attorneys for Opposer, RIVERSIDE COUNTY'S CREDIT UNION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 76/339023  
For the mark "AUTOMOBILEXPERT"  
Published in the Official Gazette on April 8, 2003

RIVERSIDE COUNTY'S CREDIT UNION, a )  
California corporation )

Opposer,

vs.

THE SEIBELS BRUCE GROUP, INC., a )  
South Carolina corporation, )

Applicant.

OPPOSITION NO.: 91156770  
Interlocutory Attorney: ANDREW P. BAXLEY

**NOTICE OF APPLICATION FOR DEFAULT  
JUDGEMENT FOR FAILURE TO FILE AN  
ANSWER**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that an Application for a Default Judgement was filed with the  
Trademark Trial and Appeal Board on August 6, 2003, a copy of which is attached hereto.

**I. INTRODUCTION**

On June 6, 2003, Opposer, RIVERSIDE COUNTY'S CREDIT UNION, a California  
Corporation, filed a notice of opposition regarding the mark "AUTOMOBILEXPERT", United  
States Application No. 76/339023.

1 On June 23, 2003, the notice of opposition was mailed served on the Applicant, THE  
2 SEIBELS BRUCE GROUP, INC., a South Carolina Corporation by the Trademark Trial and  
3 Appeal Board.

4 The Trademark Trial and Appeal Board stated that the Applicants answer is due forty  
5 (40) days after the mailing date of the notice of opposition. Since the notice of opposition was  
6 mailed June 23, 2003, the Applicant had until August 2, 2003, in which to file an answer. To  
7 date, the Applicant has not filed an answer to the notice of opposition.

8  
9 **II. ARGUMENT**

10 Opposer asserts that, if applicant fails to answer notice of opposition, "Patent Office  
11 may sua sponte decide opposition as case in default and proceeding under Rule 55(b),  
12 Federal Rules Of Civil Procedure." Old Grantian Co. v. William Grant & Sons, Ltd. 361, F.2d  
13 1018, 1022-1023; T.M.R.P. 2.106(a).

14 Opposer also asserts that, if Applicant fails to file a response to the notice of opposition,  
15 this may constitute an admission of the truth of the claims made and will support a default  
16 judgement. Old Grantian Co. v. William Grant & Sons, Ltd. 361, F.2d 1018, 1023.

17 Since the Applicant has not filed an answer to the notice of opposition, the Opposer  
18 respectfully requests that the Trademark Trial and Appeal Board enter a default judgement in  
19 the proposed order attached hereto as follows:

- 20 a. Reject registration of United States Application No. 76/339023;  
21 b. Refuse to issue any registration, on the principal or supplemental register, to  
22 Applicant from United States Application No. 76/339023; and  
23 c. Sustain this opposition in favor of Opposer.

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08/18/2003 11:45

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Submitted by:

THE WALKER LAW FIRM,  
A Professional Corporation

Dated: 8/6/2003

By: Allan Grant  
JOSEPH A. WALKER  
ALLAN H. GRANT  
JASON MATTHEW LAMB  
Attorneys for Opposer, RIVERSIDE  
COUNTY'S CREDIT UNION

08/18/2003 11:48

**CERTIFICATE OF SERVICE**  
**(37 C.F.R. § 2.119(a); TBMP 113)**

I, Allan H. Grant, Esquire, hereby certify that I have caused a true and correct copy of the foregoing to be served via FED EX, overnight mail with sufficient postage , upon the following:

Douglas W. Kim, Esquire  
MCNAIR LAW FIRM PA  
INTELLECTUAL PROPERTY GROUP BOX 10827  
GREENVILLE, SC 29603-0827

Dated:

8/6/2003

Allan H. Grant

ALLAN H. GRANT  
Attorneys for Opposer,  
USPTO Attorney Reg. No. 48,851

JOSEPH A. WALKER, California State Bar No. 47223  
ALLAN H. GRANT, California State Bar No. 213658  
JASON MATTHEW LAMB, California State Bar No. 222191  
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06-07-2003  
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Attorneys for Opposer, RIVERSIDE COUNTY'S CREDIT UNION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 76/339023  
For the mark "AUTOMOBILEXPERT"  
Published in the Official Gazette on April 8, 2003

RIVERSIDE COUNTY'S CREDIT UNION, a )  
California corporation )  
  
Opposer, )  
  
vs. )  
  
THE SEIBELS BRUCE GROUP, INC., a )  
South Carolina corporation, )  
  
Applicant. )

OPPOSITION NO.: 91156770  
Interlocutory Attorney: ANDREW P. BAXLEY  
  
**(Proposed) JUDGEMENT BY TRADEMARK  
TRIAL AND APPEAL BOARD AFTER  
DEFAULT FOR FAILURE TO FILE AN  
ANSWER**

This notice of opposition regarding the mark "AUTOMOBILEXPERT", United States Application No. 76/339023, Opposition No. 91156770, came on to be heard before Trademark Trial and Appeal Board on June 23, 2003.

The Applicant, THE SEIBELS BRUCE GROUP, INC., a South Carolina Corporation, having been regularly served with process, having failed to answer Opposer's notice of opposition filed herein, and the default of said Applicant having been duly entered.

Judgement is entered for Opposer, RIVERSIDE COUNTY'S CREDIT UNION, a

1 California Corporation, and against the Applicant, THE SEIBELS BRUCE GROUP, INC. as  
2 follows:

- 3 a. Reject registration of United States Application No. 76/339023;  
4 b. Refuse to issue any registration, on the principal or supplemental register, to  
5 Applicant from United States Application No. 76/339023; and  
6 c. Sustain this opposition in favor of Opposer.

7  
8 So Ordered.

9  
10 Dated: \_\_\_\_\_

\_\_\_\_\_

1                                    **CERTIFICATE OF SERVICE**  
2                                    **(37 C.F.R. § 2.119(a); TBMP 113)**

3  
4            I, Allan H. Grant, Esquire, hereby certify that I have caused a true and correct copy of  
5 the foregoing to be served via FED EX, overnight mail with sufficient postage , upon the  
6 following:

7  
8                                    Douglas W. Kim, Esquire  
9                                    MCNAIR LAW FIRM PA  
                                  INTELLECTUAL PROPERTY GROUP BOX 10827  
                                  GREENVILLE, SC 29603-0827

10  
11 Dated: 8/6/2003

allan Grant  
ALLAN H. GRANT  
Attorneys for Opposer,  
USPTO Attorney Reg. No. 48,851

08/18/2003TTAB

1 JOSEPH A. WALKER, California State Bar No. 47223  
2 ALLAN H. GRANT, California State Bar No. 213658  
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5 1301 Dove Street, Suite 450  
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08-07-2003

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #22

Attorneys for Opposer, RIVERSIDE COUNTY'S CREDIT UNION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 76/339023  
For the mark "AUTOMOBILEXPERT"  
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California corporation )

OPPOSITION NO.: 91156770  
Interlocutory Attorney: ANDREW P. BAXLEY

Opposer,

vs.

**CERTIFICATE OF SERVICE ON  
APPLICANT**

THE SEIBELS BRUCE GROUP, INC., a )  
South Carolina corporation, )

Applicant.

TO: BOX TTAB - NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**CERTIFICATE OF SERVICE  
(37 C.F.R. § 2.119(a); TBMP 113)**

I, Allan H. Grant, Esquire, hereby certify that I have caused a true and correct copy of  
the enclosed documents to be served via FED EX overnight mail with sufficient postage, upon  
the following:

Douglas W. Kim, Esquire  
MCNAIR LAW FIRM PA  
INTELLECTUAL PROPERTY GROUP BOX 10827  
GREENVILLE, SC 29603-0827



1  
2 Dated: 8/6/2003

Allan H. Grant  
ALLAN H. GRANT  
Attorneys for Opposer,  
USPTO Attorney Reg. No. 48,851

3  
4  
5  
6 **CERTIFICATE OF SERVICE**  
**(37 C.F.R. § 2.119(a); TBMP 113)**

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8 the enclosed documents to be served via FED EX overnight mail with sufficient postage, in an  
9 envelope addressed to: BOX TTAB - NO FEE, Commissioner for Trademarks, 2900 Crystal  
10 Drive, Arlington. VA 22202-3513

11  
12 Date: 8/6/2003

Signed: Allan H. Grant  
Allan H. Grant, Esq.  
USPTO Reg. No. 48,851  
Attorney for Opposer